

REMARKS/ARGUMENTS

I. RCE Submission

This response contains new amendments in support of the patentability of the claims.

II. Status of the Claims

After entry of this RCE Submission, claims 1, 6, 8, 10-24, 26-27, 30 and 33-39 are pending. Claims 2-5, 7, 9, 25, 28-29 and 31-32 are cancelled. Claims 16-23 have been withdrawn. Claims 1, 6, 8, 10-15, 24, 26-27, 30 and 33-39 are under consideration. Claims 1, 6, 12, 24, 26, 33 and 34 are amended. New claims 37-39 are added.

III. Support for Amendments to the Claims

Claim 1 has been amended to add “a reactive site within the structure of the antibody that is not present in the wildtype of said antibody, wherein said reactive site is in a position within said antigen recognition domain”. Support for this amendment is found in Example 2 of the specification, as well as paragraphs 17 and 20 of the specification.

Claim 1 has been amended to add “wherein said macrocyclic metal chelate is substituted or unsubstituted 1,4,7,10-tetraazacyclododecane-N,N',N'',N'''-tetraacetic acid (DOTA) and comprises a reactive functional group with a reactivity complementary to said antibody reactive site;. Support for this amendment is found in Example 3 of the specification and paragraphs 247, 249 and 250.

Claim 1 has been amended to add “thereby forming a covalent bond between said reactive site and said reactive functional group”. Support for this amendment is found in paragraphs 247, 249 and 250.

IV. Response to Claim Objection

Claim 6 is objected to when d is 2. Applicants have amended claim 6 to remove this possibility. Applicants respectfully request withdrawal of the objection.

V. Claim Rejections Under 35 U.S.C. § 112, second paragraph

Claim 31 is rejected under 35 U.S.C. § 112, second paragraph, due to the limitation “said localizing” lacking antecedent basis. Applicants have cancelled claim 31, thereby mooted the rejection. Applicants respectfully request withdrawal of this rejection.

VI. Claim Rejections Under 35 U.S.C. § 102

To maintain a *prima facie* case of anticipation, the Examiner must demonstrate that each and every element as set forth in the claim is either expressly found or is inherently described in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the ...claim. See MPEP § 2131. Applicants submit that each element of the claims now pending has not been identified in the art presently of record. Therefore, Applicants respectfully traverse the following rejection.

Under § 102(b) over Hansen II

Claims 1-8, 10-15 and 24-29 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Hansen, *et al.* (WO 99/66951) (“Hansen II”). Hansen II is cited by the Examiner for teaching a method of treating cancer in a subject by, among other things, administering an antibody that recognizes a targetable conjugate.

Applicants have amended claim 1, and therefore its dependent claims 2-8, 10-15 and 24-29 to recite an antibody with a reactive site that forms a covalent bond with a reactive functional group on a DOTA metal chelate. Hansen II does not describe this element of the Applicants’ invention. Since all the elements of the Applicants’ invention are not present in Hansen II, the anticipation rejection cannot be maintained.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-442-1000.

Appl. No. 10/625,047

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PATENT

Respectfully submitted,



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